

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on April 6, 2009 at 2:30 P.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Jim Peterson (R)

Members Absent: None

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 575, 4/1/2009; HB 669, 4/1/2009;
HB 674, 4/1/2009; HB 678, 4/6/2009;
SJ 36, 4/1/2009

Executive Action: SR 11; SR 12; SR 13; SR 14; SJ 36;
HB 678; HB 575; HB 674; HB 669

Vice Chair Barrett took up the position as Chair for executive action.

EXECUTIVE ACTION ON SR 11

00:01:40 **Motion/Vote:** Sen. Gebhardt moved that **SR 11 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SR 12

00:02:32 **Motion/Vote:** Sen. Gebhardt moved that **SR 12 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SR 13

00:03:11 **Motion:** Sen. Gebhardt moved that **SR 13 BE ADOPTED**.

Discussion:

00:03:39 Sen. Curtiss
00:04:14 Sen. Barrett
00:04:23 Sen. Curtiss
00:04:58 Sen. Kaufmann

00:06:31 **Vote:** Motion that **SR 13 BE ADOPTED** carried 8-3 by roll call vote with Sen. Barrett, Sen. Curtiss, and Sen. Peterson voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SR 14

00:07:24 **Motion/Vote:** Sen. Gebhardt moved that **SR 14 BE ADOPTED**. Motion failed 5-6 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Keane, Sen. Tropila, and Sen. Wanzonried voting aye. Sen. Peterson voted by proxy. Vice Chair Barrett stated that per instruction from Chairman Gebhardt that in spite of the negative recommendation of the committee, SR 14 would be sent to the Senate floor for a vote.

00:08:58 Sen. Gebhardt took up the position as Chair for discussion of committee business.

00:10:47 Vice Chair Barrett took up the position as Chair.

HEARING ON SJ 36

Opening Statement by Sponsor:

00:11:21 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SJ 36, Study impacts of federal climate change programs.

Proponents' Testimony:

00:12:33 Gail Abercrombie, Montana Petroleum Association (MPA)

00:13:36 David Hoffman, PPL Montana

[EXHIBIT\(nas75a01\)](#)

Opponents' Testimony:

None

Informational Testimony:

00:14:35 Kyla Wiens, Montana Environmental Information Center (MEIC)

[EXHIBIT\(nas75a02\)](#)

Questions from Committee Members and Responses:

00:16:09 Sen. Wanzenried

00:16:57 Sen. Gebhardt

00:17:20 Sen. Wanzenried

00:18:17 Sen. Gebhardt

00:19:25 Sen. Curtiss

[EXHIBIT\(nas75a03\)](#)

00:20:03 Sen. Gebhardt

00:20:45 Sen. Barrett

00:21:05 Sen. Gebhardt

Additional Proponents Testimony:

00:21:33 Tom Ebzery, Attorney, Avista Corporation

00:22:23 Candace Payne, Southern Montana Electric Generation and Transmission Cooperative, Inc.

Closing by Sponsor:

00:22:55 Sen. Gebhardt

00:23:39 Sen. Gebhardt took up the position as Chair.

HEARING ON HB 674

Opening Statement by Sponsor:

00:24:20 Rep. Chas Vincent (R), HD 2, opened the hearing on HB 674, Generally revise laws relating to state land.

Proponents' Testimony:

00:28:06 Mary Sexton, Director, Department Natural Resources and Conservation (DNRC)

00:29:54 Kat Imholf, The Nature Conservancy (TNC)

EXHIBIT (nas75a04)

00:31:59 Robert Johnson, Montana State AFC-CIO; Smurf and Stone Container

EXHIBIT (nas75a05)

00:32:16 Dennis Iverson, Iverson Ranch; Iverson Logging

EXHIBIT (nas75a06)

00:33:27 Gary Burnett, Blackfoot Challenge

00:34:18 Heather Wills, Wills Cattle Company; Bonita Clinton Potomac Grazing Association

00:35:32 Doug Hall, Hallwood Processing

00:36:41 Jason Todhunter, Montana Logging Association (MLA)

00:37:25 Bill Carey, Missoula County Commissioner

00:37:58 Anne Dahl, Swan Ecosystem Center

EXHIBIT (nas75a07)

EXHIBIT (nas75a08)

00:38:32 Chuck Roady, Montana Wood Products Association (MWPA)

00:39:01 Neil Meyer, Self

EXHIBIT (nas75a09)

00:40:14 George Golie, Montana Wildlife Association (MWF)

00:40:43 Mike Palladini, Swan Ecosystem Center

EXHIBIT (nas75a10)

00:41:28 Pelah Hoyt, Hellgate Hunters and Anglers

00:41:48 Glenn Marx, Montana Association of Land Trusts (MALT)

00:42:20 Rick Knudsen, Self

Opponents' Testimony:

None

Informational Testimony:

00:42:46 Chas Van Genderen, Fish, Wildlife and Parks (FWP)

Questions from Committee Members and Responses:

00:43:25 Sen. Barrett
 00:43:45 Mr. Van Genderen, FWP
 00:43:58 Sen. Barrett
 00:44:28 Ms. Sexton, DNRC
 00:44:53 Sen. Barrett
 00:45:08 Ms. Sexton, DNRC
 00:45:52 Sen. Barrett
 00:45:59 Ms. Sexton, DNRC
 00:46:21 Sen. Barrett
 00:46:51 Ms. Sexton
 00:47:12 Sen. Barrett
 00:47:29 Ms. Sexton
 00:47:43 Chairman Gebhardt
 00:48:27 Rep. Vincent
 00:48:51 Sen. Gebhardt
 00:49:11 Rep. Vincent
 00:49:21 Tom Schultz, Administrator for Trust Lands, DNRC,
 Montana
 00:52:06 Sen. Tropila
 00:52:18 Mr. Schultz, DNRC
 00:52:43 Sen. Tropila
 00:53:04 Mr. Schultz, DNRC
 00:53:47 Sen. Curtiss
 00:54:16 Mr. Schultz, DNRC
 00:55:33 Sen. Curtiss
 00:55:45 Mr. Schultz, DNRC
 00:56:17 Sen. Curtiss
 00:56:45 Mr. Carey, Missoula County Commissioner
 00:57:05 Sen. Perry
 00:57:39 Ms. Sexton, DNRC
 00:58:05 Sen. Perry
 00:58:33 Ms. Sexton, DNRC
 00:59:07 Sen. Perry
 00:59:35 Ms. Sexton
 01:00:24 Sen. Keane
 01:00:55 Mr. Schultz, DNRC
 01:01:27 Sen. Keane
 01:01:29 Mr. Schultz, DNRC
 01:01:55 Sen. Keane
 01:02:09 Mr. Schultz, DNRC
 01:02:15 Sen. Tropila
 01:02:19 Mr. Schultz
 01:03:06 Sen. Tropila
 01:03:51 Rep. Vincent

01:03:59 Sen. Tropila
 01:04:03 Rep. Vincent
 01:05:40 Sen. Barrett
 01:05:44 Rep. Vincent
 01:06:10 Sen. Barrett
 01:06:45 Rep. Vincent
 01:07:44 Sen. Barrett
 01:07:53 Rep. Vincent
 01:08:03 Ms. Sexton, DNRC
 01:08:42 Sen. Barrett
 01:08:45 Ms. Sexton, DNRC
 01:09:07 Sen. Tropila
 01:09:40 Ms. Sexton, DNRC

Closing by Sponsor:

01:10:33 Rep. Vincent asked for Rep. Jill Cohenour, HD 78,
 East Helena be added as a proponent for HB 674.

HEARING ON HB 669

Opening Statement by Sponsor:

01:12:42 Rep. Chas Vincent (R), HD 2, opened the hearing on HB
 669, Establish wood product industry loan program.

EXHIBIT(nas75a11)

Proponents' Testimony:

01:16:26 Ms. Sexton
 01:18:29 Ms. Imhof, TNC
 01:18:58 Mr. Johnson, Montana State AFL-CIO
 01:20:18 Mr. Iverson, Iverson Ranch; Iverson Logging
 01:21:12 Mr. Burnett, Blackfoot Challenge
 01:21:39 Mr. Hall, Hallwood Processing, Self
 01:22:43 Jerry Kelly, Kelly Logging
 01:23:52 Mr. Todhunter, MLA
 01:24:21 Ms. Wills, Wills Cattle Company; Bonita Clinton
 Potomac Grazing Association
 01:24:59 Mr. Rody, MWPA,
 01:26:21 Pat Connell, Rocky Mountain Log Homes
 01:28:18 Ms. Dahl, Swan Ecosystem Center
 01:29:04 Bill Moore, Swan Ecosystem Center
 01:30:07 Mr. Palladini, Swan Ecosystem Center
 01:30:36 Rep. Jill Cohenour, HD 78, East Helena
 01:32:43 Don Allen, Wester Environmental Trade Association
 (WETA)
 01:33:29 Mr. Marx, MALT
 01:33:51 Mr. Cary, Missoula County Commissioner

Opponents' Testimony:

None

Informational Testimony:

01:34:34 Tony Preige, Montana Department of Commerce (COM)

[EXHIBIT](#)(nas75a12)

Questions from Committee Members and Responses:

01:36:24 Sen. Hansen
01:36:55 Mr. Preige, COM
01:43:08 Sen. Hansen
01:43:33 Mr. Preige, COM
01:44:13 Sen. Tropila
01:44:31 Mr. Preige, COM
01:45:45 Sen. Tropila
01:46:07 Rep. Cohenour
01:46:42 Sen. Kaufmann
01:47:29 Rep. Vincent
01:47:38 Sen. Kaufmann
01:48:02 Mr. Preige, COM
01:48:41 Sen. Kaufmann
01:49:02 Sen. Barrett
01:49:35 Mr. Preige, COM
01:49:35 Mr. Barrett
01:49:50 Mr. Preige, COM
01:50:00 Andy Koul, COM
01:55:02 Sen. Tropila
01:55:25 Mr. Koul, COM
01:56:48 Sen. Curtiss
01:57:11 Mr. Koul, COM
01:58:36 Sen. Kaufmann
01:59:46 Mr. Koul, COM
02:00:14 Sen. Kaufmann
02:00:48 Mr. Koul, COM
02:01:58 Sen. Kaufmann
02:02:13 Chairman Gebhardt
02:02:32 Sonja Nowakowski, Legislative Service Division (LSD)
02:03:13 Mr. Koul, COM
02:03:40 Sen. Barrett
02:04:56 Ms. Dahl, Swan Ecosystem Center
02:05:04 Sen. Barrett
02:05:18 Ms. Imholf, TNC
02:05:42 Chairman Gebhardt
02:05:49 Sen. Keane
02:06:14 Mr. Schultz, DNRC
02:06:18 Sen. Keane

02:06:57 Rep. Vincent
02:07:36 Sen. Tropila
02:07:53 Rep. Vincent
02:08:07 Sen. Tropila
02:08:34 Mr. Koule, COM

Closing by Sponsor:

02:09:49 Rep. Vincent

Additional Exhibits:

[EXHIBIT\(nas75a13\)](#)

[EXHIBIT\(nas75a14\)](#)

02:12:18 Recess

HEARING ON HB 575

Opening Statement by Sponsor:

02:22:46 Rep. Bill McChesney (D), HD 40, opened the hearing on
HB 575, Revise water laws relating to coal bed methane.
[EXHIBIT\(nas75a15\)](#)

Proponents' Testimony:

02:32:11 Bruce Williams, Fidelity Exploration and Production
Company
02:33:45 Mark Moreland, Self
02:35:53 Dustin Shaw, Porter Ranch
02:37:25 Nolan Olson, Fidelity Exploration and Production
Company; Speaking on behalf of Deanna and Al Visborg

[EXHIBIT\(nas75a16\)](#)

[EXHIBIT\(nas75a17\)](#)

02:39:13 John Youngberg, Montana Farm Bureau Federation (MFBF)
02:39:38 Todd O'Hair, Ro Tinto American Services Company (RTEA)
02:41:35 Mike Murphy, Montana Water Resource Association (MWRA)
02:42:27 Mr. Allen, WETA
02:43:08 Ms. Abercrombie, MPA,
02:43:40 Jay Bodner, Montana Stockgrowers Association (MSGA)
02:44:31 Jeff Teaberry, Executive Director, Montana Association
of Conservation Districts
02:44:53 Jon Metropoulus, Fidelity Exploration and Production
Company

Opponents' Testimony:

02:45:35 Brad Sauer, Self; TNY Ditch Company; Northern Plains
Research Council (NPRC)

[EXHIBIT\(nas75a18\)](#)

[EXHIBIT\(nas75a19\)](#)

02:53:06 Brenda Lindlief-Hall, Tongue River Water Users
Association (TRWUA)

[EXHIBIT\(nas75a20\)](#)

03:01:02 Julia Page, NPRC

[EXHIBIT\(nas75a21\)](#)

03:01:51 Sarah Cobler, Montana Conservation Voters (MCV)

Informational Testimony:

03:02:22 Ms. Sexton, DNRC

03:04:51 Tom Richmond, Administrator, DNRC

Questions from Committee Members and Responses:

03:05:23 Sen. Kaufmann

03:05:42 Ms. Sexton, DNRC

03:06:55 Sen. Barrett

03:07:24 Ms. Sexton, DNRC

03:07:39 Terry Mcloughlin, DNRC

03:08:12 Sen. Barrett

03:08:25 Ms. Mcloughlin, DNRC

03:08:43 Sen. Barrett

03:09:52 Ms. Mcloughlin, DNRC

03:10:34 Sen. Barrett

03:10:53 Ms. Mcloughlin, DNRC

03:11:09 Sen. Tropila

03:11:28 Ms. Sexton

03:12:39 Sen. Tropila

03:13:09 Mr. Moreland, Self

03:13:36 Sen. Kaufmann

03:13:51 Ms. Sexton, DNRC

03:14:49 Sen. Kaufmann

03:15:24 Ms. Sexton, DNRC

03:16:22 Sen. Keane

03:16:53 Rep. McChesney

03:17:20 Sen. Kaufmann

03:17:40 Ms. Lindlief-Hall, (TRWUA)

03:19:46 Sen. Tropila

03:20:23 Mr. Sauer, Self; TNY Ditch Company; NPRC

Closing by Sponsor:

03:21:46 Rep. McChesney

HEARING ON HB 678

Opening Statement by Sponsor:

03:29:27 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 678, Revise opencut mining laws.

Proponents' Testimony:

03:45:20 Rep. Gordon Hendrick, HD 14, Superior
03:47:54 Rep. Jill Cohenour, HD 78, East Helena
03:50:08 Rep. Betsy Hands, HD 99, Missoula
03:50:52 Gordon Morris, Lewis and Clark Commissioner
03:53:28 Jean Rily, East Helena, Self
03:55:52 Carol Lee-Roark, Self; Gateway Opencut Mining Action
Group (GOMAG)

[EXHIBIT \(nas75a22\)](#)

[EXHIBIT \(nas75a23\)](#)

04:02:54 Anne Hedges, MEIC

Opponents' Testimony:

04:03:33 Bob Warren, Schellinger Construction Company
04:09:06 Mike Newton, Fisher Sand and Gravel
04:12:26 Paul Thompson, Gilman Construction
04:16:42 Herald Blattie, Montana Association of Counties (MACo)

[EXHIBIT \(nas75a24\)](#)

04:20:15 Cary Hegreberg, Montana Contractors Association

[EXHIBIT \(nas75a25\)](#)

04:24:19 Jerry Bowser, Environmental Manager, OldCastle
Materials

04:27:27 Ron Pike, TMC Inc

04:28:51 Jackie Flikkema, Knife River; Missoula; Belgrade

Informational Testimony:

04:29:16 Richard Opper, DEQ

Questions from Committee Members and Responses:

None

Closing by Sponsor:

04:29:49 Rep. Pomnichowski

04:36:16 Recess

EXECUTIVE ACTION ON HB 678

Vice Chair Barrett took up the position of Chair.

04:42:55 **Motion:** Sen. Gebhardt moved that **HB 678 BE CONCURRED IN.**

04:43:11 **Motion:** Sen. Gebhardt moved that **HB 678 BE AMENDED. EXHIBIT (nas75a26)**

Discussion:

04:43:29 Chairwoman Barrett
04:43:43 Sen. Kean
04:43:54 Ms. Nowakowski, LSD
04:44:47 Sen. Perry
04:45:07 Ms. Nowakowski, LSD
04:45:10 Sen. Perry, LSD
04:46:02 Sen. Keane
04:46:07 Chairwoman Barrett
04:46:16 Rep. Pomnichowski

04:47:45 **Vote:** Motion that **HB 678 BE AMENDED** carried 6-5 by roll call vote with Sen. Barrett, Sen. Curtiss, Sen. Keane, Sen. Perry, and Sen. Steinbeisser voting no. Sen. Peterson voted by proxy.

04:47:48 **Motion:** Sen. Gebhardt moved that **HB 678 BE CONCURRED IN AS AMENDED.**

04:47:59 **Motion/Vote:** Sen. Gebhardt moved that **HB 678 BE AMENDED.** Motion carried 9-2 by roll call vote with Sen. Kaufmann and Sen. Wanzienried voting no. Sen. Peterson voted by proxy.

EXHIBIT (nas75a27)

04:50:37 **Motion:** Sen. Gebhardt moved that **HB 678 BE CONCURRED IN AS AMENDED.**

04:51:29 **Motion:** Sen. Kaufmann moved that **HB 678 BE AMENDED. EXHIBIT (nas75a28)**

Discussion:

04:52:01 Ms. Nowakowski, LSD

04:52:25 Sen. Kaufmann

04:52:42 Sen. Keane

04:53:12 **Vote:** Motion that **HB 678 BE AMENDED** failed 4-7 by roll call vote with Sen. Kaufmann, Sen. Perry, Sen. Tropila, and Sen. Wanzenried voting aye. Sen. Peterson voted by proxy.

04:53:50 **Motion:** Sen. Gebhardt moved that **HB 678 BE CONCURRED IN AS AMENDED.**

Discussion:

04:54:06 Sen. Barrett

04:55:30 **Vote:** Motion that **HB 678 BE CONCURRED IN AS AMENDED** carried 10-1 by roll call vote with Sen. Wanzenried voting no. Sen. Peterson voted by proxy. Sen. Gebhardt will carry the bill in the Senate.

04:55:37 Sen. Gebhardt took up the position of Chair.

EXECUTIVE ACTION ON HB 575

04:55:59 **Motion:** Sen. Keane moved that **HB 575 BE CONCURRED IN.**

Discussion:

04:56:27 Sen. Barrett

04:56:37 Sen. Kaufmann

04:57:26 Chairman Gebhardt

04:57:37 Sen. Keane

04:58:07 Sen. Tropila

04:58:33 Sen. Barrett

04:58:49 Sen. Wanzenried

04:59:01 Ms. Nowakowski, LSD

04:59:30 **Vote:** Motion that **HB 575 BE CONCURRED IN** carried 8-3 by roll call vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Peterson voted by proxy. Sen. Keane will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 669

05:00:54 **Motion:** Sen. Keane moved that **HB 669 BE CONCURRED IN.**

05:01:08 **Motion:** Sen. Keane moved that **HB 669 BE AMENDED.**
(Exhibit 11)

Discussion:

05:01:25 Sen. Wanzenried
05:01:41 Chairman Gebhardt
05:01:55 Ms. Nowakowski, LSD

05:02:48 **Vote:** Motion that **HB 669 BE AMENDED** carried 10-1 by voice vote with Sen. Hansen voting no. Sen. Peterson voted by proxy.

05:03:10 **Motion/Vote:** Sen. Keane moved that **HB 669 BE CONCURRED IN AS AMENDED.** Motion carried 8-3 by voice vote with Sen. Barrett, Sen. Hansen, and Sen. Kaufmann voting no. Sen. Peterson voted by proxy. Sen. Gebhardt will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 674

05:04:12 **Motion/Vote:** Sen. Keane moved that **HB 674 BE CONCURRED IN.** Motion carried 10-1 by voice vote with Sen. Barrett voting no. Sen. Peterson voted by proxy. Sen. Gebhardt will carry the bill in the Senate.

EXECUTIVE ACTION ON SJ 36

05:05:13 Vice Chair Barrett took up the position as Chair.

05:05:22 **Motion/Vote:** Sen. Gebhardt moved that **SJ 36 DO PASS.** Motion carried unanimously by voice vote.

05:06:09 Sen. Gebhardt took up the position as Chair.

ADJOURNMENT

Adjournment: 7:42 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas75aad.pdf](#))